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23 UNITED STATES DISTRICT COURT

24 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

25 NATHANIEL WOODS, JR.,

26 Plaintiff,

27 v.

28 BAYER HEALTHCARE, Biological Products  
Division, a for profit business entity,

Defendant.

CASE NO. C-05-02871 JSW

**STIPULATION AND [PROPOSED] ORDER  
REGARDING DISCOVERY AND  
DISPOSITIVE MOTION SCHEDULE**

**TRIAL DATE:** None Assigned

**Hon. Jeffrey S. White**

WHEREAS, close of non-expert discovery was previously set for March 13, 2006;

WHEREAS, the Hearing on Dispositive Motions was previously set for April 21, 2006;

WHEREAS, plaintiff has noticed seven depositions to be taken before non-expert discovery closes;

WHEREAS, Bayer anticipates it will produce all non-objectionable witnesses for deposition that have already been properly and timely noticed;

1 WHEREAS, the parties are continuing to meet and confer regarding written discovery  
2 requests already properly and timely served and anticipate resolution of all outstanding issues;

3 WHEREAS, the matters *Jones v. Bayer*, case No. C-03-05531 JSW, and *Dove v. Bayer*, case  
4 No. C-05-02873 JSW, are deemed related to this matter;

5 WHEREAS, all dates in *Dove v. Bayer* are being adhered to, including the close of non-  
6 expert discovery on February 27, 2006 and the Hearing for Dispositive Motions set for April 7,  
7 2006;

8 WHEREAS, in *Jones v. Bayer* six additional depositions are currently being scheduled and  
9 the parties are continuing to meet and confer regarding written discovery requests and anticipate  
10 resolution of all outstanding issues;

11 WHEREAS, plaintiff, on the one hand, and Bayer, on the other hand, are collectively  
12 adverse, they agree through their respective counsel and stipulate as follows:

- 13 1. No new non-expert discovery may be served or propounded after March 13, 2006;
- 14 2. For the limited scope of discovery requests that were timely and properly served  
15 pursuant to the previous cutoff date of March 13, 2006, non-expert discovery will  
16 now close on March 31, 2006;
- 17 3. Plaintiff reserves his right to propound additional deposition notices until March 13,  
18 2006;
- 19 4. Defendant, Bayer, reserves all rights to object to any such deposition notices,  
20 including, but not limited to, the timeliness thereof;
- 21 5. Plaintiff reserves his right to challenge Bayer's objections;
- 22 6. This stipulation and [proposed] order does not waive any proper objection to  
23 discovery served prior to March 13, 2006;
- 24 7. Hearing on Dispositive Motions <sup>and Case Management Conference</sup>  
<sup>A</sup>will now occur on May 19, 2006.

25 **IT IS SO STIPULATED.**

26 DATED: February 27, 2006

MOORE & MOORE

27 By: s/Howard Moore, Jr.  
28 HOWARD MOORE, JR.  
Attorneys for Plaintiff

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2 DATED: February 27, 2006

3 By: s/Charles Stephen Ralston

4 CHARLES STEPHEN RALSTON  
Attorney for Plaintiff  
NATHANIEL WOODS

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DATED: February 27, 2006

THE LOUDERBACK LAW FIRM

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By: s/Jerome Schreibstein

7 JEROME SCHREIBSTEIN  
JAMES T. CONLEY  
8 Attorneys for Defendant  
BAYER HEALTHCARE

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Dated: February 28, 2006



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1 IT IS SO ORDERED.  
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DATED: \_\_\_\_\_, 2006

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HON. JEFFREY S. WHITE  
United States District Court Judge  
Northern District of California

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